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APPROVAL OF UNDP ASSISTANCE TO A PROJECT OF
CHINA

IPF:(1987-91) $189 988 000
(CPR/91/524) - Legislative Drafting to Support Economic Reform

Date of approval by the AC:[1]	22 January 1992
Expected duration:	Five years
Proposed executing agency:	Government
Government implementing agency:	Bureau of Legislative Affairs (BLA)
Proposed UNDP contribution:	$2 140 000 Source of funds: IPF
Total UNDP budget:	$2 140 000

Project background

Since 1979 China has adopted an "open door" policy in order to attract foreign investment, managerial skills and "know how". It has largely de-collectivized agriculture and permitted market forces increasingly to guide investment decisions. These changes required reform of China's administrative and legal systems. In order to tailor the legal order to a more market-oriented economy, the Government adopted a number of laws and regulations appropriate to the new economic situation. It supported efforts to upgrade legal expertise in specialized areas, both by providing opportunities for advanced study and by providing inputs from foreign experts. The State Council (China's Cabinet) has set out ambitious plans in the Eighth Five-Year Plan calling for a wide range of new legislative initiatives. But despite the imposing demands for legislation China possesses a relatively inadequate law-making capacity in a country where the institutions and practice of legislative drafting remain inextricably intertwined with policy-making.

What in China is called "legislative drafting" includes, many functions that other countries do not include under that title such as policy-making, programme design, research and the "wordpushing" functions of actual drafting. The drafters of China's laws have an insufficient knowledge of legislative theory and methodology, as well as of comparative law; they lack basic research and training in legislative language and techniques; use outmoded handwritten drafts; and are faced with an inadequate method of organizing and indexing China's existing legal corpus. To develop the drafting capacity of the Bureau of Legislative Affairs of the State Council of the People's Republic of China and several Department of Legislative Affairs of certain key ministries and commissions, the Government requested UNDP assistance under the present approval.

[1] **This Fact Sheet reflects the status of the project/revision at the time it was approved by the Action Committee; modifications to the project/revision may have occurred subsequently.**

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Description of project

The development objectives of the project are to: (a) produce urgently needed bills and regulations in 22 major areas connected with economic reform, (b) computerize the corpus of Chinese law, (c) train a considerable number of legislative drafters significantly increasing their capacity, revised BLA procedures and rules to facilitate the drafting of quality legislation; and (d) produce manuals and textbooks on drafting techniques and methodologies.

The immediate objectives of the project are to: (a) complete drafts of 22 priority bills and regulations in areas such as planning, banking, enterprise and company regulation, fair competition, commodities trading, budget, investments, consumer protection, agriculture, environment, mining, administrative regulations, foreign trade, education and rule for drafting and reviewing laws; (b) strengthen capabilities in drafting of laws and regulations; and (c) computerize drafting procedures and develop a computerized data base in a documentation center at the BLA for accessing Chinese and foreign law.

Project activities will include: (a) support from external consultants and Chinese experts to each of the working groups formed to draft the various laws; (b) enabling experts to review and critique the draft laws; (c) ensuring special protection for women, the poor and the environment by requiring that a Memorandum of Law (to accompany each draft law) consider the impact of the proposed laws on special areas of UNDP concern, as well as ensuring the participation in lawmaking of the especially vulnerable; (d) addressing such issues as open public hearings publications, and published reports; (e) requesting comments especially from women's organizations and women in general; (f) conducting intensive in-house training, workshops and overseas training in foreign law and practices; (g) strengthening overall understanding and specific skills; (h) training 40 trainers; and (i) establishing panel of external advisors.

Inputs

UNDP will provide 15 work-months for two CTA consultants; 22.2 work-months of external consultants to train the BLA staff and develop curricula in Legislative Theory and Methodology in relation to comparative law in areas of the 22 priority bills and regulations; 40 four month overseas fellowships; study tours (two to three weeks) for drafters and trainers; two internships; one part-time administrative assistant; funding for evaluations/reviews at mid-term at the end of the project; computer equipment; and miscellaneous costs.

Financial data

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Personnel	552 500
Training	1 177 500
Equipment	400 000
Miscellaneous	10 000
Total	2 140 000

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